

The Prosecutor's Page

Special Code Enforcement Edition

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I Recommend We Fix Our "Broken Windows"

Improving Our Quality of Life

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First expressed by political scientist James Q. Wilson and criminologist George Kelling in an article for The Atlantic Monthly in 1982, the Broken Windows theory holds that if someone breaks a window in a building and it is not quickly repaired, others will be emboldened to break more windows. Eventually, the broken windows create a sense of disorder that attracts criminals, who thrive in conditions of public apathy and neglect.

The Broken Windows theory was based on an experiment conducted 26 years ago by Stanford University psychologist Philip Zimbardo. He took two identical cars, placing one on a street in a middle-class Palo Alto neighborhood and the other in a tougher neighborhood in the Bronx. The car in the Bronx, which had no license plate on it and was parked with its hood up, was stripped within a day. The car in Palo Alto sat untouched for a week, until Zimbardo smashed one of its windows with a sledgehammer. Within a few hours, it was stripped.

In January 1994, New York Mayor Rudolph Giuliani put New York Police Commissioner William Bratton in charge of the NYPD. Bratton was selected because of his interpretation of the Broken Windows

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Role Of The City Prosecutor In Code Enforcement

Gentle Persuasion To Bring Properties Into Compliance

Long Beach City Prosecutor's Office

"Code Enforcement" refers to the application and enforcement of the Long Beach City Building Codes, Health Codes, and Zoning Regulations. These codes were enacted for the health, safety, and welfare of the Citizens of Long Beach – as such, property owners are strictly liable for any violations. Violation of these codes are crimes and are punishable as misdemeanors. Every day a property is in violation of these codes is a new criminal offense and may be punished by a fine of up to \$500.00 and six months in the Los Angeles County Jail.



The Long Beach City Prosecutor is responsible for prosecuting all misdemeanors which occur in Long Beach. Unlike other misdemeanors – such as drugs, drunk driving, and prostitution – the main goal in code enforcement is *compliance* not punishment. The rationale for this stance is twofold: (1) punishment will not remedy the problem (i.e., hazardous living conditions); and (2) violations are most often unintentional. Thus, the City Prosecutor's Office works hand-in-hand with the City's Building and Health Departments to work with property owners.

The following is a brief explanation of the process utilized by the Long Beach City Prosecutor in the majority of cases seeking to enforce the City's

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Theory. And Bratton turned Broken Windows loose on the streets of New York. Under Bratton, NYPD focused its full attention on combating petty street crime, the results have been astonishing. Crime went down dramatically in all 76 precincts, to levels not seen since the early 1970s. From 1993 through 1995, murder dropped 39 percent and burglary went down by a quarter. In 1997, 36 percent fewer cars were stolen, 31 percent fewer people were robbed, and 400 fewer people wound up on slabs at the city morgue.

The Broken Window theory presents a comprehensive approach to crime. All city agencies pay attention to the quality of life, so there is a clean up of graffiti, of litter, and rules and regulations are enforced. The police can't deal with these issues alone. It takes all city agencies and the rest of the criminal justice system – the courts, city prosecutors, and district attorneys – to create the sense that something is different. Moreover, it takes those in the community to take charge of their own quality of life. ♦

Common Code Violations

Building, Health, and Zoning Code violations not only endanger the lives of persons forced to live in these conditions, but also contribute to the decline of neighborhoods in general. The following is a partial list of the most common code violations:

- Inadequate weather protection
- Failure to provide heat
- Insect and rodent Infestation
- Failure to provide hot and cold running water
- Unsafe electrical
- Unsafe sleeping rooms
- Garages converted into sleeping quarters
- Residential units in excess of zoning
- Chipping / peeling paint
- Overgrown vegetation
- Dangerous / attractive nuisances
- Broken windows
- Unsafe / unsound construction
- Residential buildings used for commercial purpose

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building, health, and zoning codes.

If a property owner fails, or refuses, to cooperate with the Building or Health Department by bringing their property into conformance with the City's codes, the matter will be referred to the Office of the City Prosecutor. At this time, a letter is sent from the Office of the City Prosecutor to the property owner(s) informing them of the ramifications of continued violations. These initial letters are the gentle nudge needed to gain compliance in a large percentage of cases.

If a property owner continues to violate the building or health codes, a hearing is set in which a Deputy City Prosecutor, a building or health inspector, and the property owner discuss the violations and any possible misunderstandings. At this time, the property owner is given a set date in which all repairs to the property are to be completed. The property owner is informed that failure to remedy all violations by that date can, and will, result in criminal prosecution.

“... criminal filings for code violations are up a whopping 140% from last year.”

Although Office Hearings have been quite successful in obtaining compliance, a few stubborn property owners simply refuse to bring their properties into compliance despite abundant opportunities. These owners soon realize that the threat of criminal prosecution is not idle. To that end, criminal filings for code violations are up a whopping 140% from last year. And once criminal charges have been filed, they will not be dismissed – even if the property owner subsequently brings the property into full compliance. By this time, the property owner has had more than enough time to remedy the situation and dismissal would make the filing of charges a meaningless act. Thus the property owner will have to pay a fine, or take the matter to trial.

This no-nonsense approach to code enforcement helps to give those lacking self-motivation a needed push and justly punishes flagrant violators. As such, the quality of life for those living with and around these violations is greatly improved through timely intervention and prosecution. ♦